

EXHIBIT “A”

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.:

vs.

Defendants.

DATE 2/15/22
TIME 240pm
Served by C.Y.sps#262

To All and Singular the Sheriffs of said State:


Via its Registered Agent – CT CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

WITNESS my hand and the Seal of said Court.

MAR 09 2022

By:

Deputy Clerk



Brenda D. Forman
BRENDA D. FORMAN

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint/petition with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the "Plaintiffs' Attorney" named below.

Plaintiff(s) Attorney:
GARY B. ENGLANDER, ESQ.
Florida Bar No.: 88616
ENGLANDER PEEBLES
2122 W. Cypress Creek Road, Suite 206
Fort Lauderdale, FL 33309
Phone (954) 947-0530

IMPORTANTE

Usted ha sido demandado legamente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante a Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligés de déposer votre réponse écrite, avec mention de numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur de tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiffs' Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

Filing # 145260284 E-Filed 03/08/2022 10:33:19 AM

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT/COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

CECIBEL MOLINA

Plaintiff

Case # CACE-22-003488

Judge _____

vs.

WAL-MART STORES EAST, LP., MATTHEW WACHS

Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- ☐ \$8,000 or less
- ☐ \$8,001 - \$30,000
- ☒ \$30,001- \$50,000
- ☐ \$50,001- \$75,000
- ☐ \$75,001 - \$100,000
- ☐ over \$100,000.00

III. TYPE OF CASE

(If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- ☐ Condominium
- ☐ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence
- ☒ Negligence—other
 - ☐ Business governance
 - ☐ Business torts
 - ☐ Environmental/Toxic tort
 - ☐ Third party indemnification
 - ☐ Construction defect
 - ☐ Mass tort
 - ☐ Negligent security
 - ☐ Nursing home negligence
 - ☒ Premises liability—commercial
 - ☐ Premises liability—residential
- ☐ Products liability
- ☐ Real Property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☐ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☐ Small Claims up to \$8,000
- ☐ Civil
- ☐ Real property/Mortgage foreclosure

- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential Evictions
- ☐ Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

IV. REMEDIES SOUGHT (check all that apply):

- ☒ Monetary;
- ☐ Nonmonetary declaratory or injunctive relief;
- ☐ Punitive

V. NUMBER OF CAUSES OF ACTION: []

(Specify)

2

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- ☐ yes
- ☒ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- ☒ no
- ☐ yes If "yes," list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- ☒ yes
- ☐ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ Gary B. Englander
Attorney or party

Fla. Bar # 88616
(Bar # if attorney)

Gary B. Englander
(type or print name)

03/08/2022
Date

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IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CECIBEL MOLINA,

CASE NO.: *CACE-22-003488*

Plaintiff,

vs.

WAL-MART STORES EAST, LP and
MATTHEW WACHS,

Defendants.
_____ /

COMPLAINT

The Plaintiff, CECIBEL MOLINA, by and through her undersigned counsel, hereby sues the Defendants, WAL-MART STORES EAST, LP and MATTHEW WACHS, and alleges as follows:

1. This is an action for damages in excess of thirty thousand (\$30,000.00) dollars.
2. At all times material hereto, the Plaintiff, CECIBEL MOLINA, is an individual residing in Broward County, Florida.
3. At all times material hereto, the Defendant, MATTHEW WACHS, is/was an individual residing in Broward County, Florida.
4. On or about July 31, 2020, the Defendant, WAL-MART STORES EAST, LP, owned, controlled, managed, and/or maintained the "WAL-MART" store located at or near 2500 W Broward Blvd, Fort Lauderdale, FL 33312.
5. On or about July 31, 2020, the Defendant, MATTHEW WACHS, was the manager of the WAL-MART described in paragraph 4.

COUNT I

NEGLIGENCE AGAINST MATTHEW WACHS

Plaintiff adopts and re-alleges each and every allegation contained in paragraphs 1 through 5 as if they were fully set forth herein, and further alleges:

6. On or about July 31, 2020, the Defendant, MATTHEW WACHS, was the manager of the WAL-MART identified in paragraph 4 and, as such, owed a personal duty of reasonable care to maintain the premises in a reasonably safe condition for the safety of the Plaintiff, CECIBEL MOLINA, and other business

invitees on the premises.

7. The Defendant, MATTHEW WACHS, as the manager of the WAL-MART identified in paragraph 4, further owed a personal duty to exercise reasonable care to maintain the floors in such a manner as to avoid injury or damages to the Plaintiff, CECIBEL MOLINA, and other business invitees on the premises.

8. The Defendant, MATTHEW WACHS, as the manager of the WAL-MART identified in paragraph 4, further owed a personal duty to establish a procedure for the regular inspection and maintenance of said premises.

9. The Defendant, MATTHEW WACHS, as the manager of the WAL-MART identified in paragraph 4, further owed a personal duty to reasonably supervise his employees to ensure the regular inspection and maintenance of said premises.

10. The Defendant, MATTHEW WACHS, as the manager of the WAL-MART identified in paragraph 4, further owed a personal duty to warn the Plaintiff of the liquid on the floor in the WAL-MART.

11. The Defendant, MATTHEW WACHS, breached the above-referenced duties of care by failing to take reasonable precautions to maintain said premises in a reasonably safe condition.

12. The Defendant, MATTHEW WACHS, further breached the above-referenced duties of care by failing to establish a procedure for the regular inspection and maintenance of said premises or alternatively by failing to follow his own established procedures for the inspection and maintenance of the premises.

13. The Defendant, MATTHEW WACHS, further breached the above-referenced duties of care by failing to reasonably supervise his employees to ensure the regular inspection and maintenance of said premises.

14. The Defendant, MATTHEW WACHS, further breached the above-referenced duties of care by failing to warn the Plaintiff of the liquid on the floor in said premises.

15. On the above date the Plaintiff, CECIBEL MOLINA, while exercising due care and caution for her own safety, was lawfully at the WAL-MART when she was injured due to the negligence of the Defendant, MATTHEW WACHS.

16. Specifically, the Plaintiff, CECIBEL MOLINA, was caused to slip and fall due to liquid on the floor inside the WAL-MART.

17. The Defendant, MATTHEW WACHS, knew, or in the exercise of reasonable care, should have known of the above-described dangerous and hazardous condition.

18. Additionally, the dangerous and hazardous condition was a regular, reoccurring, and ongoing condition.

19. That the aforesaid acts of negligence on the part of the Defendant, MATTHEW WACHS, were the proximate cause of the injuries sustained by the Plaintiff, CECIBEL MOLINA.

20. As a direct result, the Plaintiff, CECIBEL MOLINA, has incurred medical bills, has suffered bodily injury resulting in physical pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, aggravation of preexisting injuries, if any, lost wages and loss of the ability to earn wages. Her losses are permanent and continuing in nature and the Plaintiff will suffer losses in the future.

WHEREFORE, the Plaintiff, CECIBEL MOLINA, demands judgment against the Defendant, MATTHEW WACHS, for damages, costs, and any other relief this Court may deem appropriate. The Plaintiff further demands trial by jury as to all issues so triable as a matter of right.

COUNT II

NEGLIGENCE AGAINST WAL-MART STORES EAST, LP

Plaintiff adopts and re-alleges each and every allegation contained in paragraphs 1 through 5 as if they were fully set forth herein, and further alleges:

21. On the above date the Plaintiff, CECIBEL MOLINA, while exercising due care and caution for her own safety, was lawfully on the Defendant's property when she was injured due to the negligence of the Defendant, WAL-MART STORES EAST, LP.

22. Specifically, the Plaintiff, CECIBEL MOLINA, was caused to slip and fall due to liquid on the floor.

23. The Defendant, WAL-MART STORES EAST, LP, owed to the Plaintiff a duty of reasonable care to maintain the subject property in a condition reasonably safe for its intended use and free from all conditions which would render it dangerous and unsafe for the Plaintiff, or present an unreasonable risk of harm to her, in her lawful use of the same.

24. That it was the duty of the Defendant, WAL-MART STORES EAST, LP, to warn the Plaintiff of aforesaid dangerous and unsafe condition.

25. The Defendant, WAL-MART STORES EAST, LP, breached its duty of care to the Plaintiff, by committing one or more of the following negligent acts of commission and/or omission which proximately caused injury to the Plaintiff as hereinafter alleged more fully:

- (a) The Defendant failed to properly maintain, inspect, and examine the subject floor;
- (b) The Defendant should have exercised reasonable care in the care of the subject floor;
- (c) The Defendant failed to warn the Plaintiff of the dangerous condition; and
- (d) the afore-described dangerous condition was a regular, reoccurring, and ongoing condition; therefore, Defendant knew, or in the exercise of reasonable care, should have known of the aforesaid dangerous and hazardous conditions.

26. Defendant knew, or in the exercise of reasonable care, should have known of the afore-described dangerous and hazardous condition.

27. That the aforesaid acts of negligence on the parts of the Defendant were the proximate cause of the injuries sustained by the Plaintiff.

28. As a direct result, the Plaintiff has incurred medical bills, has suffered bodily injury resulting in physical pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, aggravation of preexisting injuries, if any, lost wages and loss of the ability to earn wages. Her losses are permanent and continuing in nature and the Plaintiff will suffer losses in the future.

WHEREFORE, the Plaintiff, CECIBEL MOLINA, demands judgment against the Defendant, WAL-MART STORES EAST, LP, for damages, costs, and any other relief this Court may deem appropriate. The Plaintiff further demands trial by jury as to all issues so triable as a matter of right.

Dated this 8th day of March 2022.

ENGLANDER PEEBLES
Attorneys for Plaintiff
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Fort Lauderdale, Florida 33309
Phone: (954) 947-0530
pleadings@ftlinjurylaw.com

By: 

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